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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-third year

Identical letters dated 12 February 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

As conditions continue to dangerously deteriorate, I am compelled to draw your attention to the critical situation in the Occupied State of Palestine, including East Jerusalem. The illegal and destructive policies and practices by Israel, the occupying Power, continue to cause immense suffering among the Palestinian civilian population and to obstruct any potential for the peaceful resolution of this grave injustice.

Unprotected, despite the very clear provisions of international law according protection to civilians under foreign occupation, the Palestinian people continue to endure countless human rights violations and war crimes at the hands of the Israeli occupying forces and its illegal settlers. The international community, in particular the Security Council, must confront this unlawful situation and cannot continue to turn a blind eye as the rights of an entire people and the most fundamental pillars of international law are being so egregiously breached. Action must be taken to finally uphold international law and to bring an end to 50 years of Israeli occupation, along with all of Israel's violations against the Palestinian people and their land.

The incidents mentioned below reflect only a few of the countless violations and crimes being perpetrated by Israel, the occupying Power, against the Palestinian people. Israel's belligerent military occupation is driven and sustained only by such illegal policies and practices, which affect every single Palestinian child, woman and man living under occupation, whether it be in the Occupied West Bank, including East Jerusalem, or in the Gaza Strip, where nearly 2 million Palestinians continue to live in the world's largest prison, suffering massive collective punishment tantamount to a war crime.

Palestinian casualties

Lethal and indiscriminate force continues to be routinely unleashed by the Israeli occupying forces against the Palestinian civilian population, causing wilful and wanton death and injury in grave violation of international humanitarian law.

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On 7 February 2018, a young Palestinian man, Khaled Walid Tayeh (aged 22), died after succumbing to wounds he sustained earlier that day during a military raid by Israeli occupying forces in the Al-Jabal al-Shamali area of Nablus in the West Bank. The Palestine Red Crescent Society reported that an additional 110 Palestinian civilians had also been injured during that same raid, in which 32 injuries resulted from the use of live bullets, 26 from rubber-coated steel bullets and 51 from severe tear gas inhalation. In addition, one child was seriously injured after being intentionally run over by an Israeli military jeep.

On 30 January 2018, Israeli occupying forces killed Laith Abu Naim, aged 16, from the West Bank village of Al-Mughayyir. Laith was running for his life as two Israeli armoured vehicles pursued him. An Israeli soldier shot Laith in the forehead from a range of 20 metres, killing him instantly. Laith was the fourth Palestinian child killed in January by Israeli occupying forces. Sadly, he will not be the last Palestinian child to lose his or her life as a result of Israel's shoot-to-kill policy, which has been widely reported and documented by Human Rights Watch. "The soldiers killed him from a short range. They could have arrested him; they could have injured him; they could have shot his leg", Laith's uncle, Marzouq Abu Naim, told Palestinian media. "But the soldier meant to kill him. The bullet went through his eye and through the back of his head." Without accountability, the occupying Power will continue to violate the Palestinian people's rights, including to life, without fear of accountability or punishment.

The killing and injury of Palestinian men, women and children under Israeli occupation, such as the tragic crimes detailed above, must be addressed. A proper independent investigation must be launched into the killing of 16-year-old Laith. We cannot accept, nor should the international community accept, that a people under occupation for more than five decades be left defenceless, denied the protections of international law, including humanitarian law and human rights law, while the occupying Power is appeased and permitted to continue with its flagrant impunity, disrespecting both the rule of law and the sanctity of human life.

Settlements

Israel, the occupying Power, also continues with its systematic policies of settler colonialism, apartheid and ethnic cleansing in the Occupied State of Palestine, including East Jerusalem. It is absolutely urgent that the international community, particularly the Security Council, act to bring Israel into compliance with international law and United Nations resolutions, including, inter alia, Security Council resolution 2334 (2016). Just today, the Israeli human rights organization, Peace Now, reported that the so-called "Israeli Settlement Subcommittee of the Higher Planning Committee of the Civil Administration" had convened to discuss a series of new plans in its illegal settlements. The organization has also reported that the occupying Power also approved 68 new settlement units in the settlement of "Elazar", the illegal construction of an Israeli hotel in the Jordan Valley with 120 rooms next to a motor park and so-called Tourist Area, and the construction of a cemetery near an industrial zone planned for construction south of Qalqiliya in the West Bank.

Moreover, it is important to note that Peace Now provided the following analysis on Israel's reckless and illegal settlement campaign, stating that: "The government is building new settlement areas under the guise of 'insignificant' plans that will not include housing units. This is an old trick used to establish new settlements without calling them that by name. All of these plans — the construction of a hotel and tourist complex in the Jordan Valley, an educational campus in an illegal outpost, and even a cemetery as the first stage in the construction of a new industrial zone — in actuality create new settlements. The Netanyahu government has lost all the brakes on the road

to de facto annexation of the West Bank, and it continues to distance Israel from the prospects for peace and the two-state solution."

Home/school demolitions

As the occupying Power builds and expands more illegal settlements in the Occupied Palestinian Territory, including East Jerusalem, which constitute not only grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) but also war crimes as defined by the Rome Statute of the International Criminal Court, it also continues with its illegal, repressive and punitive practice of home demolitions, leaving countless Palestinian families homeless and hopeless. Israeli occupying forces also continue to demolish internationally-funded schools and other humanitarian projects. The destructive impact of such Israeli violations on Palestinian communities and on the situation on the ground is immense, as reflected in deteriorating socioeconomic conditions and deepening anger and frustration among the Palestinian civilian population living under occupation.

On 8 February 2018, Israeli occupying bulldozers demolished a Palestinian home in the neighbourhood of Silwan, in Occupied East Jerusalem, under the bogus pretext that it did not possess a building licence. In addition to such home demolitions, the United Nations Office for the Coordination of Humanitarian Affairs has warned that dozens of Palestinian schools are at risk of being demolished by the occupying Power, leaving children in the Occupied State of Palestine even more vulnerable. According to the Office, at least 45 schools are now facing demolition orders.

In this regard, the acting Humanitarian Coordinator, Roberto Valent, stated that "children as young as seven would be left without schools if Israel carries out its demolition project". He further stated that he was "deeply concerned by the Israeli authorities' demolition this morning [4 February 2018] of two donor-funded classrooms — third and fourth grade — serving 26 Palestinian schoolchildren in the Bedouin and refugee community of Abu Nuwar, located in Area C on the outskirts of Jerusalem". He stated that "the demolition was carried out on grounds of lack of Israeli-issued permits, which are nearly impossible to obtain". It must be recalled, as stated by the European Union representative and the European Union Heads of Mission in Jerusalem and Ramallah, that "every child has the right to access to education and States have an obligation to protect, respect and fulfill this right, by ensuring that schools are inviolable safe spaces for children".

Arrests and detention

In addition to the killing and injury of children, the Israeli occupying forces have also carried on with other illegal practices, such as the arbitrary arrests and detentions of Palestinian children in the recent period. Many of these children have been violently seized from their homes in the dead of night, beaten, blindfolded, strip-searched, interrogated without legal counsel, held incommunicado from their parents and put in solitary confinement.

We demand that Israel, the occupying Power, immediately end all its violations and abuses against Palestinian children and comply with its obligations under international law, including, inter alia, the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. All Palestinian prisoners and detainees, including children such as Ahed Al-Tamimi, who continues to be held in an Israeli military detention centre since Israeli forces raided her home in the West Bank village of Nabi Saleh early on the morning of 19 December 2017, must immediately be released from Israeli detention and prison facilities.

It is high time that the international community go beyond condemnation or expressing outrage about Israel's illegal practices and policies against the Palestinian people. Urgent, concrete and collective international action is required now to bring Israel into compliance with its legal obligations under international law and relevant United Nations resolutions, without exception. Israel cannot be allowed to continue acting above the law without consequences.

It is long overdue for the world to stand with principles and commitments affirmed time and time again and to demand an end to Israel's brutal military occupation of the Palestinian land and an end to its blatant disregard for the human rights of the Palestinian people. It is time for the Palestinian people to live as a free people in their own independent State of Palestine, with East Jerusalem as its capital. It is time for the Palestinian people to realize their inalienable human rights and justice.

The present letter is in follow-up to our previous 623 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 9 January 2018 (A/ES-10/766-S/2018/28), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador, Permanent Observer
of the State of Palestine to the United Nations

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-third year

Identical letters dated 2 March 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to draw your attention to the ongoing critical situation in the Occupied Palestinian Territory, including East Jerusalem, and, more specifically, to the continued repressive practices by Israel, the occupying Power, against Palestinian worshippers and holy sites in Occupied East Jerusalem, including one of the holiest churches in Christianity, the Church of the Holy Sepulchre.

Recent developments highlight once again the urgent need for efforts by the international community, particularly the Security Council, to collectively act to stem the dangerous deterioration so as to avert further instability; to ensure respect for the relevant United Nations resolutions, including with regard to the status of Occupied East Jerusalem as an occupied territory, the applicability of the Fourth Geneva Convention and the prohibition of all acts aimed at altering the demographic composition, character and status of the City; and to ensure respect for the historical status quo at the holy sites.

In light of ongoing attempts by the occupying Power to change the status of the City and in contravention of the historical status quo, on Sunday, 25 February 2018, leaders from the Roman Catholic, Armenian and Greek Orthodox churches were compelled to announce the closing of the doors of their churches, including the Church of the Holy Sepulchre, in united protest against Israel's discriminatory policies, which undoubtedly aim at weakening the Christian presence in Jerusalem.

This decision by church leaders was premised on a series of ongoing and systematic attacks against Christians, violating their most basic rights. For example, a so-called bill was proposed in the Israeli Knesset that would allow Israel, the occupying Power, to confiscate church-owned land leased to private investors, a bill that solely targets the properties of the Christian community. Another proposed measure targeting churches would see churches starting to pay tens of millions of dollars in taxes on their assets and properties.

Moreover, the occupying Power has already seized hundreds of thousands of dollars from the largest churches in Jerusalem, including the Catholic, Greek

Orthodox, Anglican and Armenian Orthodox churches. Liens placed on church accounts and the freezing of bank accounts, such as that of the Anglican Church in Jerusalem, have already stunted churches' daily operations in the city. Recently, a representative of the Greek Orthodox patriarchate stated: "All of our assets are frozen...we can't pay for food, salaries, administration, nothing". In an ecumenical letter penned on 14 February, the churches expressed their view that this measure "both undermines the sacred character of Jerusalem and jeopardizes the Church's ability to conduct its ministry in this land on behalf of its communities and the worldwide church".

These illegal actions breach centuries of precedent and existing agreements and betray international obligations that guarantee the rights and the privileges of the churches. Since the Ottoman period, all church property has been exempt from municipal property taxation. In this regard, please find annexed to this letter a fact sheet regarding the historical status quo and its meaning and implementation across the years.

Following rejection and resistance from both Palestinians and international religious and political leaderships worldwide, as well as the closing of the Church of the Holy Sepulchre for three days in protest of Israeli policies, Israel was compelled to retreat from its hostile assault on the heart and birthplace of Christianity on 27 February by suspending its so-called legislation on the imposition of taxes on churches and their properties.

This incident proves yet again that when people of conscience and members of the global community hold Israel to account for its violations, the occupying Power is compelled to respond, whereas a lack of accountability fosters only further impunity, compounding the violations and hastening the deterioration of the situation.

In this regard, it is clear that since the announcement on Jerusalem by the United States, on 6 December 2017, Israel has taken increasingly forceful action to tighten its control over the city. Indeed, while the Israeli plan regarding the churches specifically has been temporarily suspended due to popular and international pressure, Israel's plans and attempts to change the status quo of the holy sites in Jerusalem continue unabated, and Palestinians (Christians and Muslims) continue to be systematically prevented from reaching their places of worship in Jerusalem, as the City remains under Israeli occupation, siege and security control.

Clearly, recent measures against Christian churches are an attempt to severely change the status of Jerusalem and to further entrench Israel's illegal occupation of Occupied East Jerusalem and impose Jewish exclusivity over the City as a whole, a City whose status remains that of *corpus separatum* under General Assembly resolution 181 (II). In fact, the latest series of measures by the occupying Power are a continuation of its series of so-called "laws", proposals and measures targeting the City, which expose its true intentions to alter the character, status and demographic composition of Jerusalem, in direct and grave breach of international law and the relevant United Nations resolutions.

In this regard, it is imperative to recall that Palestinian holy places and institutions have existed for centuries, long before the creation of the State of Israel. Yet, for decades now, Palestinian Christian and Muslim holy sites have been the target of Israeli occupation measures seeking to distort and negate the sanctity, history, culture and relevance of these human heritage sites, while simultaneously attempting to eradicate the Palestinian identity and presence. Here we must recall the affirmation by Palestinian President Mahmoud Abbas that "There will not be a vibrant Palestinian society without its Christian component. The contributions of our Christians to the national movement have been precious, always remembered, and represent an example for the rest of our region to make clear that there will not be an Arab world without Christians, an inherent part of our societies".

The international community has a clear, legal position on the status of the occupied State of Palestine, including occupied East Jerusalem, and must reject all violations of that status and demand that Israel's unilateral, provocative and illegal decisions be rescinded and regarded as null and void. Israel must be compelled to totally cease and not just suspend its measures against churches and the historical status quo in Jerusalem. It must be obliged to rescind all policies and practices that target Palestinian Christian and Muslim holy sites and that violate international law and United Nations resolutions, and must refrain from any such acts in the future.

In light of ongoing Israeli violations, we urge collective efforts to ensure that the historical status quo in Jerusalem that has prevailed for centuries be maintained. As expressed by the General Secretary of the World Council of Churches, the Reverend Olav Fyske Tveit, "This situation should call for support and action from church leaders as well as from governments that are concerned about Jerusalem as a shared Holy City of the three religions: Judaism, Christianity and Islam".

We thus reiterate our appeal to the international community to compel Israel, the occupying Power, to respect the historical status quo of the holy sites in Occupied East Jerusalem and to comply fully with the numerous relevant Security Council resolutions, including resolution 2334 (2016), and General Assembly resolutions pertaining to the holy sites, including resolution ES-10/19. The occupying Power must show respect for the sanctity of the holy sites and respect also the role of the Hashemite Kingdom of Jordan as the custodian of the Muslim and Christian holy sites in Jerusalem. All illegal Israeli measures regarding the holy sites must be reversed and guarantees must be put in place so that such measures, or any other provocative measures, for that matter, will not be repeated, as they only risk exacerbating religious sensitivities and tensions, which must be averted at all costs.

We call upon the international community to take a firm and principled stand against all illegal Israeli actions against the Palestinian people and their land, including by firmly demanding that it immediately cease all measures and provocations violating the status quo of the holy sites and cease its provocations and stoking of religious sensitivities. The international community must act responsibly and take serious action aimed at compelling Israel to cease all of its crimes and violations before it is too late and to act forthwith to end the occupation that began in 1967. These steps are urgent and long overdue and are essential to allowing the Palestinian people to finally live in freedom and dignity in their own independent State of Palestine, with East Jerusalem as its capital.

This letter is in follow-up to our 624 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 12 February 2018 (A/ES-10/767-S/2018/113), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators be brought to justice.

I should be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador, Permanent Observer
of the State of Palestine to the United Nations

Annex to the identical letters dated 2 March 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

The historic "Status Quo" agreement in Jerusalem and the Israeli occupation, in the light of Israel's attempt to impose municipal taxes on church property: frequently asked questions (1 March 2018)

1. What is the "Status Quo"?

Jerusalem is one of the most important religious cities for the three monotheistic religions. It hosts thousands of religious, archeological, and heritage sites that are holy for billions of people worldwide. Over the centuries, traditions and agreements between the various religions and religious groups have been forged to set forth each religious group's rights.

The Status Quo describes the arrangements between different religions and religious groups over shared or contested religious sites. While it enshrines many rights and obligations, one of its most fundamental rights is that any religious community that has a current right must consent to any change, either in procedure or substance.

2. Is the Status Quo Enshrined in International Law?

The Status Quo is a unique legal system that applies to whichever authority exercises control over Jerusalem. The rights and obligations enshrined in the Status Quo remain even when the governing authority in Jerusalem changes. As a specific set of legal obligations that have been created over centuries of practice and now are considered binding international law, it supersedes any and all aspects of domestic law.

The core of the Status Quo was set out in an Ottoman Farman in 1757, then later confirmed in an Ottoman Farman in an 1852 Farman, and codified by international treaty in the 1856 Treaty of Paris and the 1878 Treaty of Berlin. The Status Quo obligations were enshrined in the Partition Plan's Statute on Jerusalem and was its continuation was a core concern of the international community in the events following 1948. A report by the 1949 Conciliation Commission on Palestine laid out in more precise detail the locations protected by the Status Quo arrangements.

Every governing authority over Jerusalem is required to uphold the Status Quo as a distinct legal obligation.

3. Which countries are involved in the Status Quo?

During the Ottoman period, foreign powers became involved in order to ensure the rights of certain communities. The rights of the Catholic Church and Community[1] became the responsibility of France, Italy, Belgium and Spain, and Greece for the Orthodox Community. This has become an accepted practice that has lasted, in the case of the Catholic Church, from the Ottoman period until today.

[1] See Custodia Terrae Sanctae, "Status Quo," available at http://www.custodia.org/default.asp?id=433.

4. What are Israel's Legal Obligations Regarding Taxation of Church Property?

Since the Ottoman period, all church property has been exempt from municipal property taxation. This obligation was initially created by the Ottoman government's practice, accepted by the British during the Mandate Period, enshrined in the 1947 Partition Plan (which proscribed imposing taxation on any new properties), followed by the Jordanians when they controlled Jerusalem, and has been practiced by Israel for many years since their occupation of East Jerusalem.

Like the formal arrangements of the Status Quo, the long-standing practice of not taxing church properties has crystallized into an international legal obligation over the governing authority of Jerusalem.

Furthermore, as per Article 43 of the 1907 Hague Convention, the occupying power is required to respect the laws in place at the time of occupation, unless absolutely prevented by military necessity. Israel's annexation of East Jerusalem remains null and void under international law and consensus, and East Jerusalem remains in a state of prolonged belligerent military occupation. As such, the requirement to abide by local law remains; Israel's attempt to change this is not permitted under the law of occupation and general principles governing international humanitarian law.

5. What is the official position of the State of Palestine regarding the Status Quo and the taxation of Church property?

The State of Palestine has reaffirmed its commitment to the Status Quo on several occasions, including in the historic Palestine-Holy See Agreement of 2015. As the birthplace of Christianity, Palestine values the presence of a vibrant and active Christian community as an integral part of its national identity and social fabric. Therefore, and aiming at supporting the important educational, social, cultural and spiritual work of the local churches, the State of Palestine exempts Churches and church property from taxation and customs duties.

6. Does the Status Quo extend to other religious sites?

The Status Quo understandings concern both Al-Aqsa Mosque Compound/Al-Haram Al-Sharif and the Buraq Wall (Wailing Wall), amongst several other religious sites in Jerusalem. A full accounting and list of the sites protected, and the relevant rights for each religious community and the determination of which community (if any) is in exclusive possession of the sites, are laid out in the UN Conciliation Commission for Palestine in 1949.[2]

Prepared by the Negotiations Affairs Department/State of Palestine/Palestine Liberation Organization

[2] http://ecf.org.il/media_items/1467.